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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,665

04/27/2005

Sinobu Hasebe

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EXAMINER

DUNHAM, JASON B

ART UNIT

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3625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,665	Applicant(s) HASEBE ET AL.	
	Examiner JASON B. DUNHAM	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/27/05, 6/26/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-13 are rejected under 35 U.S.C. 101.

Referring to claims 10-13. Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute “descriptive material.” Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the

Art Unit: 3625

medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Claims 10-12 are interpreted as apparatus claims; however they are composed of "sections", which are merely directed towards software not statutory hardware. Claim 13 fails to recite a computer program that is embodied on a computer-readable medium. The claim is merely directed to a computer program per se.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mimoto (US 2002/0055896).

Referring to claim 1. Mimoto discloses a fax order receiving and placing settlement system comprising:

a fax machine of a buyer who places an order for (to) purchase goods or services (abstract);

a fax machine of a supplier who receives the order for (to) purchase good or services (abstract);

a settlement organization which performs settlement processing of the account for the purchase goods or services (abstract); and

a fax order receiving and placing settlement service center connected to the buyer's fax machine, the supplier's fax machine, and the settlement organization so as to be able to communicate with one another (abstract and figures 1),

wherein the fax order receiving and placing settlement service center transmits order information to the supplier's fax machine based on order information received from the buyer's fax machine, requests the settlement organization to perform settlement processing of the account for the purchase of good or services, and returns a report including the result of the settlement processing to the buyer's fax machine and the supplier's fax machine (figure 4 and paragraphs 13-15 disclosing a notice containing the result of the settlement between the buyer and seller).

Referring to claim 2. Mimoto further discloses a fax order and placing settlement system wherein the buyer's or the supplier's fax machine conforms to the fixed phone Internet service (abstract disclosing buyer and seller facsimiles connected through the Internet).

Referring to claim 3. Mimoto further discloses a fax order and placing settlement system further comprising databases for storing order reception, order placement, and settlement processing results information, and transmits a report including the results within a predetermined term to the buyer's or supplier's fax machine (abstract disclosing storage of results of the settlement and paragraph 31 disclosing transmittal of data regarding the settlement).

Referring to claim 4. Mimoto further discloses a fax order and placing settlement system further comprising a buyer and supplier registration management AP section, for registering in advance and managing information of buyer and suppliers who have dealings (paragraph 5 disclosing registration by a supplier).

Referring to claims 10-16. Apparatus, program, and method claims 10-16 contain similar limitations to system claims 1-3 and are rejected under the same rationale. Mimoto further discloses managing the movement of funds based on settlement processing (see at least paragraph 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimoto (US 2002/0055896) in view of Ogura (US 2002/0165800).

Referring to claims 5 and 17. Mimoto discloses all of the above as noted under the 35 USC 102(e) rejection but does not expressly disclose analyzing faxes by using an OCR function. Ogura discloses a fax order receiving and placing settlement system using an OCR function to analyze faxes (Ogura: figure 13). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the

Art Unit: 3625

system of Mimoto to have included an OCR function, as taught by Ogura, in order obtain the necessary data form the customer order form (paragraph 99).

Claims 6-9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimoto (US 2002/0055896) in view of Mori (US 2003/0163385).

Referring to claims 6-7. Mimoto discloses all of the above as noted under the 35 USC 102(e) rejection but does not expressly disclose canceling or changing a transaction per buyer or supplier instruction. Mori discloses a fax order receiving and placing settlement system wherein a buyer and supplier can transmit instructions to cancel or change a transaction (Mori: abstract, figure 17, and paragraph 11). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Mimoto to have included canceling or changing a transaction per buyer or supplier instruction, as taught by Mori, in order to allow addition or deletions to an order (Mori: figure 17).

Referring to claim 8. The combination of Mimoto and Mori further discloses a system which obtains an email address of the buyer based on the received phone number and authenticates a buyer by transmitting an email (paragraphs 54-56 disclosing receiving an order by facsimile, determining user information including e-mail, and authenticating the user).

Referring to claim 9. The combination of Mimoto and Mori further discloses a system which obtains an email address of the buyer based on the received phone

Art Unit: 3625

number and transmits an email with web page information to allow a buyer to place an order (Mori: paragraph 15).

Referring to claims 18-20. Claims 18-20 contain similar limitations to system claims 6-9 and are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gormish, Lapstun, La Mastro, Tomita, Bloomfield, and Henry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON B. DUNHAM whose telephone number is (571)272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Dunham/
9/16/08